



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2016

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos.8877 to 8879 of 2013

A.Grace Darly ... Petitioner in W.P(MD)No.8877 of 2013
N.Kesari ... Petitioner in W.P(MD)No.8878 of 2013
A.Alliver Vincent ... Petitioner in W.P(MD)No.8879 of 2013

Vs.

1.The State of Tamil Nadu,
Rep by its Chief Secretary,
School Education Department,
Fort St., George,
Chennai 600 009.

2.The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 006.

3.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

... Respondents in all W.Ps.

Prayer: Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to pass appropriate orders on the petitioners representations dated 07.02.2013 by refixing their scale of pay entitled to the post of Primary School Headmaster for the periods from 13.07.1998 to 31.05.2000, 01.01.1996 to 31.08.1998 and 02.07.1996 to 31.05.2000 respectively and consequently disbursing the difference in the salary arrears, retiral, pensional inclusive of all other attendant benefits with interest at the rate of 18% per annum apart from enhancing the rate of pension and other benefits entitled to by the petitioners at the rate of equivalent to primary school Headmaster within the period stipulated by this Court.

For Petitioners : Mr.Ananth C.Rajesh
For Respondents : Mr.V.Muruganandam,
(In all W.Ps) Additional Government Pleader.

**ORDER**

The petitioners, in all the writ petitions are the retired Headmasters. The writ petitions have been filed for refixing the scale of pay of the petitioners to the post of Primary School Headmaster for the periods from 13.07.1998 to 31.05.2000, 01.01.1996 to 31.08.1998 and 02.07.1996 to 31.05.2000 respectively. The Government of Tamil Nadu while refixing the salary for the Headmaster of the Primary School extended the benefit with effect from 01.06.2000. The said benefits were not given by the Government to a number of Headmasters who retired prior to 01.06.2000. To avoid such discrimination and to get the benefit of the said order, similarly placed persons have approached the Government to extend such benefit to them and this Court directed the authorities to consider the case of the Headmasters in the light of the judgment of the Supreme Court in ***State of Mizoram and another Vs. Mizoram Engineering Service Association and another*** reported in (2004) 6 SCC 218. Accordingly, some of the Headmasters were considered favourably. If the petitioners though had given detailed representation as early as on 13.02.2013 have not been considered.

2. Learned counsel appearing for the petitioners brought to the notice of this Court to an order passed by this Court in W.P.No.8368 of 2008, dated 10.11.2009 in which the similarly placed Headmasters were considered favourably.

3. Now the request of the petitioners is to give a direction to the first respondent to refix the salary of the petitioners for the periods from 13.07.1998 to 31.05.2000, 01.01.1996 to 31.08.1998 and 02.07.1996 to 31.05.2000 respectively and consequently give all other monetary benefits.

4. In the light of the above facts, the petitioners are directed to submit a fresh representation along with a copy of the order made in W.P.No.8368 of 2008, dated 10.11.2009 within a period two weeks. On receipt of such representation, the first respondent shall consider their case for refixation of their scale of pay in the light of the order made in W.P.No.8368 of 2008, dated 10.11.2009 and pass appropriate orders on merits in accordance with law, within a period of four weeks thereafter.

5. The writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Chief Secretary, State of Tamil Nadu,
School Education Department, Fort St., George, Chennai 600 009.



2.The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 006.

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3.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

+one cc to The Special Government Pleader in SR.No. 19680
+three cc's to M/s.Ananth C.Rajesh, Advocate
in SR.Nos.19517,19518 and 19519

SMS

SDR/AN-MP/21.04.2016 : 3P/8C

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